

State of North Carolina
Department of Environment,
Health and Natural Resources
Mooresville Regional Office

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary



10/6/96
OR
FRL

DIVISION OF WATER QUALITY

September 12, 1996

CERTIFIED MAIL
RECEIPT REQUESTED

Parker, Poe, Adams & Bernstein LL.P.
2500 Charlotte Plaza
Charlotte, North Carolina 28244
Attention: Max E. Justice, LL.P.

RE: Review of Site Soil and Groundwater Investigation Report
and Request for Water Supply Well Survey
Reeves Industries - Osage Plant
Gaston County, N.C.

Dear Mr. Justice:

Per our conversation of July 12, 1996, I have reviewed the above-referenced report for the Reeves Brothers, Inc., Osage Plant ("Reeves"). According to the letter submitted with the report, Reeves Industries is seeking an acknowledgment of a lack of responsibility for Reeves and an issuance of no further action concerning the contamination present at the facility. Based upon a review of the subject report and the underground storage tank (UST) closure report, there is presently insufficient information to absolve Reeves as a responsible party for the contamination. Per our phone conversation of September 4, 1996, I have included in this letter information addressing property ownership and cleanup liability.

The State's rules concerning violations of the State's groundwater standards are contained in Title 15A, Subchapter 2L, NCAC. When soil or groundwater contamination is identified at a site, these rules require assessment of the source and extent of contamination including delineation of both vertical and horizontal extent of all present contamination by the responsible party. Once assessment of the contamination is deemed complete by the Division, implementation of a corrective action plan is required.

Current Groundwater Section policy requires that groundwater pollution incidents response be based on a priority ranking system, as there are more incidents of contamination than our present staff can reasonably manage. Priority is given to sites where human health

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and safety are threatened by exposure to contaminants via consumptive and other direct use of groundwater, or by exposure to potentially explosive situations due to collected and concentrated vapors. Field reconnaissance conducted by me of the area surrounding the subject property indicates that there are no present potable water supply wells within 1500 feet. If an additional water supply well survey validates my observations concerning the absence of water supply wells, this property would be considered a low priority site, and as such, would receive little regulatory review at this time. However, if the priority status of the site, system of site review, or regulatory rules should change, the Division would begin active regulatory review of the site.

The responsibility for assessment and remediation of soil and groundwater contamination is assigned to the person or persons who conducted or controlled an activity which resulted in the groundwater contamination as defined by the groundwater rules. Liability is typically not assigned to a person or persons due to a purchase of contaminated property. However, owning or controlling property from which contamination is discharging from an active source or from contaminated soil or groundwater could result in responsibility for a cleanup for the owner if other responsible parties cannot be identified. These determinations are made as we proceed with investigative work on a site based on that site's priority ranking. Please note that the Division is a regulatory agency of the State and does not have the capacity to determine liability between parties involved in real estate transactions.

Presently, there are not enough data to accurately determine a responsible party regarding the contamination present at the subject site. Review of the subject report and current body of data does not absolve Reeves from responsibility for the contamination present at the subject facility. For example, the subject report states that tetrachloroethene (PCE) was never used in the shop, however, the use of trichloroethene (TCE) at the Osage Plant was not documented. Additionally, the present monitor well distribution does not rule out the possibility of a chlorinated solvent source in the area of the shop since there is not a monitoring point between the shop and W-2. The lower concentration of PCE and the absence of TCE in the OF-W sample is not supportive of a sewer line source for the contaminants. On July 18, 1996, I visited the site and surrounding upgradient areas and did not identify any past or present users of PCE or TCE. A review of the UST closure report also identified the presence of compounds in the soil commonly used in the textile industry; di-n-butylphthalate (410 ppb) and n-butylbenzene (140 ppb) were detected in soil boring BC-1 at five feet below land surface.

The DWQ letter of August 13, 1996, issued to Mr. W.R. Hovis of Reeves Brothers from Ms. Julie Berry of DWQ states the current regulatory status of the UST closure and soil assessment report. I must reiterate that the ranking of this site was based on a water supply well survey performed by DWQ personnel. The Division requires Reeves Industries to perform an additional water supply well survey to validate the priority ranking of the subject

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site. The survey should encompass a 1500 foot radius from the site and include a map displaying any water supply locations. Additional information including well construction, well use and owner information should be included if any potable water supply wells are located. The water supply well survey should be received by this office no later than October 31, 1996.

Should you have additional questions regarding the subject site, please call me at (704) 663-1699, extension 261.

Sincerely,



G. Landon Davidson
Hydrogeologist

GLD

MA
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To: Landon Davidson Fax No.: 663-6040
From: Max E. Justice Client Matter: RE065/14823
Date: September 24, 1996
Re: Reeves Brothers - Osage Plant

Landon, I am following up on a couple of items in your recent proposed letter. I will get back with you in a few days about that. I would appreciate your not sending the letter until I am able to clear up a couple of items and get back with you. I appreciate your assistance.

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